

AMENDED IN SENATE AUGUST 30, 2002  
AMENDED IN SENATE AUGUST 12, 2002  
AMENDED IN SENATE AUGUST 5, 2002  
AMENDED IN SENATE JUNE 3, 2002  
AMENDED IN SENATE AUGUST 27, 2001  
AMENDED IN SENATE AUGUST 20, 2001  
AMENDED IN SENATE JULY 18, 2001  
AMENDED IN SENATE JULY 5, 2001  
AMENDED IN SENATE JUNE 13, 2001  
AMENDED IN ASSEMBLY MAY 1, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 1453**

---

---

**Introduced by Assembly Member ~~Koretz~~ *Firebaugh***  
**~~Principal coauthor: Senator Dunn~~**  
**~~(Coauthors: Assembly Members Aroner, Chan, and Nation)~~**  
**~~(Coauthors: Senators Kuehl, Ortiz, and Romero)~~**  
**~~(Coauthor: Senator Burton)~~**

February 23, 2001

---

---

~~An act to amend Sections 17537.3, 22952, 22956, and 22958 of, and to add Sections 22963.5, 22964, and 22964.5 to, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating~~

~~to tobacco products. An act to add Section 1182.2 to the Labor Code, relating to hours of employment.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as amended, ~~Koretz Firebaugh. Tobacco: minimum legal age: display and distribution limitations~~ *Hours of employment: ski establishments.*

*Existing law provides that 8 hours of labor constitutes a day's work, and that work in excess of 8 hours must be compensated at specified rates.*

*This bill would establish that a person employed by a ski establishment is subject to the overtime provisions of the provisions of existing law summarized above unless he or she is individually eligible for exemption as an executive, administrative, or professional employee.*

~~Existing law prohibits the furnishing of tobacco products to, and the purchase of those products by, a person under the age of 18 years and makes the violation of these provisions a criminal offense. Existing law also provides for the establishment of programs relating to the prevention of tobacco use.~~

~~This bill would change this minimum age requirement to apply to a person under the age of 21 years with an exception provided for a person born before January 1, 1985. The bill would require that tobacco use prevention programs be revised to discourage the use of tobacco products by any person under that age. The bill would prohibit, with specified exceptions, any person, firm, or corporation from displaying or making available any ashtrays or other receptacles designed for tobacco-related waste for use on the premises where smoking is prohibited and would subject the person, firm, or corporation to a citation for an infraction with escalating fines for subsequent violations. By creating new infractions and enlarging the scope of an existing crime by changing the minimum age requirement for furnishing and purchasing tobacco products, the bill would impose additional duties on local law enforcement agencies, thus imposing a state-mandated local program.~~

~~This bill would require any person, firm, or corporation that maintains an area where smoking is permitted under state law to provide one or more receptacles for tobacco-related waste for use on the premises.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

~~SECTION 1. The Legislature finds and declares the~~

~~SECTION 1. Section 1182.2 is added to the Labor Code, to read:~~

~~1182.2. (a) Notwithstanding any other provision of this code or any applicable order of the Industrial Welfare Commission, a person employed by a ski establishment is subject to the overtime provisions of Section 510 unless he or she individually meets the criteria established for exemption as an executive, administrative, or professional employee.~~

~~(b) As used in this section, "ski establishment" means an integrated, geographically limited recreational area comprised of the basic skiing facilities, together with all operations and facilities related thereto.~~

**All matter omitted in this version of the bill appears in the bill as amended in the Senate, August 12, 2002 (JR 11)**